

REMARKS

Receipt of the Office Action of April 2, 2009 is gratefully acknowledged.

Regarding the IDS filed June 12, 2006 because it is an "appropriate IDS" because a "Foreign Search Report is not sufficient." It is respectfully submitted that the IDS of June 12, 2006 did not include a "Foreign Search Report." Instead the IDS included a transmittal sheet along with FORM 1449 on which the references were listed. Then with the REQUEST FOR RECONSIDERATION WITH AMENDMENT filed with this RCE, English language abstracts of the two DE references cited in the IDS were provide. Why is this submission not proper? No reason can be seen, and accordingly, entry and consideration of the noted IDS is respectfully requested.

Claims 11 and 13 - 20 have been examined and rejected as follows: claims 11, 14 - 16, 18 and 20 under 35 USC 102(b) by Frey et al; and claims 13, 17 and 19 under 35 USC 103(a) over Frey et al in view of Schmooock

These rejections are respectfully traversed.

In the Office Action of October 8, 2008, the examiner had rejected claims 11 and 12, which was dependent from claim 11, under 35 USC 102(b) by Frey et al. In the REQUEST FOR RECONSIDERATION WITH AMENDMENT filed on February 9, 2009, claims 11 and 12 were combined and in addition, claim 11 as amended with claim 12 was further amended to recite that "the strength loss temperature of said carrier tube is greater than the strength loss temperature of said support skeleton." This amended claim is now being rejected also under 35 USC 102(b) by Frey et al. It is respectfully submitted that Frey et al does not include sufficient structure to anticipate claim 11 as now amended. Frey et al does not disclose the interlocking claimed in claim 11 as amended. Frey et al

also does not disclose "the strength loss temperature" limitation recited. Page 14 of the present specification in lines 25 - 27 specifically states "that the strength-loss temperature of the carrier tube be greater than that of the support skeleton 13 and that of the latter must, in turn, be greater than the melting temperature of the liner 12." This passage, or even a similar passage does not appear in Frey et al, the quoted paragraphs cited by the examiner notwithstanding..

There is no basis, therefore, for supposing the Frey et al anticipates claims 11 and 20, or the dependent claims.

The same conclusion applies with respect to the Schmooch patent when considered in combination with the Frey et al reference. The distinctions noted above are still intact when Frey et al is considered in combination with Schmooch.

In the examiner's commentary regarding the Response to Arguments found on page 8 of the Office Action, the examiner's comment that "[a]pplicant has not filed any arguments, either After-Final, or currently with an R.C.E." is not understood. The REQUEST FOR RECONSIDERATION WITH AMENDMENT filed on February 9, 2009 did certainly include amendments and accompanying argumentation. Clarification on this point is respectfully requested.

Regarding the examiner's comment that the "strength-loss" temperature and the "softening point" are the same, applicant respectfully submits that they are not the same.

The examiner is urged, in view of the above, to reconsider his position and advance a finding that claims 11 and 13 - 20 are allowed.

Date: September 2, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', with a long horizontal flourish extending to the right.

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